

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE
SE Philadelphia Road, 225' * ZONING COMMISSIONER
SH Philco Road * OF BALTIMORE COUNTY
(9715 Philadelphia Rd.) * CASE # 89-115-SPH
15th Election District
6th Councilmanic District
Gloria L. Dorsey
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a Special Hearing to approve amendments to a site plan, in Case #86-442-A, to provide for a day care center for over 120 children and to convert the first floor of the existing dwelling/office building from an office to additional day care center operations with the second floor of that building remaining as a dwelling as more particularly described on Petitioner's Exhibit 1 and 2.

The Petitioner appeared and testified and was represented by William E. Hammond, Esquire. There were no Protestants.

The evidence and testimony in the record indicate that this is an ML-IM zoned property. The land is improved with a child day care and after school care facility on the rear and a converted residential dwelling on the front of the property. The dwelling is used as an office on the ground floor and a residence on the second level. The property was the matter of a variance hearing in case #86-442A. The property is currently improved with all of the changes as shown on Petitioner's Exhibit 1 and 2 as indicated. These site plans are from the original matter and the only difference between them on Petitioner's Exhibit 2 was an inscription by Deputy Zoning Commissioner, Jean Jung, indicating that the office area could be used for after school or day care operations as long as the parking requirements were met.

The request herein is to simply amend the previous Order which restricted the day care to 120 children. This restriction was based upon the Baltimore County Health Department regulations concerning floor area to child ratios. The evidence indicates that there would still be the proper amount of parking even if the first floor of the former single family dwelling unit on the front of the property was used as additional child care facilities. There are no Protestants in this matter and there are letters from adjoining landowners which have been marked as Petitioner's Exhibits 3, 4 and 5 which, clearly, indicate that the neighbors are not in opposition to this increase in the use of this child care facility.

The Petitioner testified as to the requirements of Section 307 and the requirements of Section 502.1. There is no evidence in the record that the issues presented in the Petition for Special Hearing would adversely affect the health, safety or general welfare of the community. The Office of Planning is opposed to this amendment. However, the reasons for opposition are either in conflict with the State Highway Administration or the County Bureau of Traffic Engineering. The ingress and egress were built in accordance with the 1986 direction of State Highways Administration. The Petitioner must provide a site plan that can be read and that, clearly, shows what exist and what is to be built.

During the hearing, the Petitioner noted that the requested enrollment would now be 160 children. That, if the State regulations were changed, then the request would be higher at a later date.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted with certain restrictions and/or requirements.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 28th day of Oct., 1988, that the amendments to the site plan in Case #86-442A, to provide a day care center for 160 children and to convert the first floor of the existing dwelling/office building from partly an office use to additional day care center space for children and the remaining second floor of the building to continue as a dwelling, be approved and, as such, the Petition for Special Hearing is hereby granted from and after the date of this Order, subject, however, to the following restrictions:

1. The Petitioner may apply for her building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at her own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. Petitioner shall submit to the Zoning Commissioner's office by no later than March 1, 1989 a new site plan prepared by a registered professional engineer and/or land surveyor, which clearly identifies all buildings, their size and area dimensions, their exact location on the subject property, their distances from all property lines, and any other information as may be required to be a certified site plan.

3. Upon request and reasonable notice, the Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

JRH:mn
cc: Peoples Counsel
William E. Hammond, Esquire, 107 Main Street, Reisterstown, Md.

CERTIFICATE OF PUBLICATION

TOWSON, MD., Sept. 19, 1988
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Sept. 2, 1988.

THE JEFFERSONIAN,

Publisher

"DUPLICATE"
CERTIFICATE OF PUBLICATION

TOWSON, MD., 19.....
THIS IS TO CERTIFY, that the annexed advertisement was published in OWINGS MILLS TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of successive weeks, the first publication appearing on 19.....

OWINGS MILLS TIMES,

Publisher

ORDER RECEIVED FOR FILING

Date 10/28/88
By Sh. Dorsey

ORDER RECEIVED FOR FILING

Date 10/28/88
By Sh. Dorsey

ORDER RECEIVED FOR FILING

Date 10/28/88
By Sh. Dorsey

ORDER RECEIVED FOR FILING

Date 10/28/88
By Sh. Dorsey

PETITION FOR SPECIAL HEARING
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: #17 89-115-SPH

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve amendments to the site plan, Exhibit 9 in Case #86-442-A, to provide for a day care center over 120 children and to convert first floor of existing dwelling/office for day care center with second floor remaining as dwelling.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: _____
(Type or Print Name)
Signature _____
Address _____
City and State _____
Attorney for Petitioner: _____
William E. Hammond
(Type or Print Name)
107 Main Street
Signature _____
Reisterstown, Maryland 21136
Address _____
City and State _____
Attorney's Teleph. No. 833-1322

Legal Owner(s): _____
Gloria L. Dorsey
(Type or Print Name)
Signature _____
Address _____
City and State _____
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
N22, 310
E45, 080
86-442-A
686-9598
P.C.
Baltimore, Maryland 21237
City and State

ORDERED By The Zoning Commissioner of Baltimore County, this 30th day of August, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 6th day of October, 1988, at 11:30 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

(over)

Beginning on the Southeast side of Philadelphia Road, 50 feet wide, at a distance of 225 feet, more or less, west of Philco Road, being a lot of ground having a frontage of 100.36 feet and a depth of 425 feet and known and designated as 9715 Philadelphia Road in the 15th Election District of Baltimore County.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 15th
Posted for: Special Hearing
Petitioner: Gloria L. Dorsey
Location of property: 5413 Phil Rd., 225' SW Philco Rd.
9715 Phil Rd.
Location of Sign: Along Phil Rd. approx. 8' E on roadway.
on property of J. Haines
Remarks: _____
Posted by: Sh. Dorsey
Number of Signs: 1
Date of return: 9/23/88

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
SE/S Philadelphia Rd., 225' SW : OF BALTIMORE COUNTY
Philco Rd. (9715 Philadelphia :
Rd.), 15th District
GLORIA L. DORSEY, Petitioner : Case No. 89-115-SPH

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 14th day of September, 1988, a copy of the foregoing Entry of Appearance was mailed to William E. Hammond, Esquire, 107 Main St., Reisterstown, MD 21136, Attorney for Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

Date: 9/16/88

Ms. Gloria L. Dorsey
9715 Philadelphia Road
Baltimore, Maryland 21237

Re: Petition for Special Hearing
CASE NUMBER: 88-115-SH
9715 Philadelphia Road, 225' SW Philco Road
(9715 Philadelphia Road)
15th Election District - 8th Councilmanic
District(s): Gloria L. Dorsey
HEARING SCHEDULED: THURSDAY, OCTOBER 6, 1988 at 11:30 p.m.

Dear Ms. Dorsey:

Please be advised that \$93.76 is due for advertising and posting of the above-referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN(S) AND POST(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE, REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 059099

DATE: 10/1/88 ACCOUNT: P-01-415-000

AMOUNT: \$ 93.76

RECEIVED FROM: Gloria L. Dorsey

FOR: 9715 Philadelphia Road

8 8 211 *****333333

VALIDATION OR SIGNATURE OF CASHIER

William E. Hammond, Esq.

Ms. Bertha Schroeder
Mr. Fred Schroeder
9719 Philadelphia Road
Baltimore, Maryland 21237

9/16/88

To Whom It May Concern:

We would like to let you know that Discovery Days Child Care located at 9715 Philadelphia Road (next door to us) is a terrific day care center. The owner keeps very good care of the property. There is never any traffic or parking problems, since there is a parking lot right on their property. There is never a problem with noise or anything else. They are very nice and never cause anyone any problems.

We hope that you let them add more children using the first floor of the house. They want to put older children in there so they can have things more suited to their age. They won't interfere with what we have seen so far that adding more children will not cause any bad effects. So, we would like you to know that we support them.

Sincerely,

Bertha A. Schroeder
Fred Schroeder

PETITIONER'S
EXHIBIT 3

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

August 23, 1988

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Hearing
CASE NUMBER: 88-115-SH
9715 Philadelphia Road, 225' SW Philco Road
(9715 Philadelphia Road)
15th Election District - 8th Councilmanic
District(s): Gloria L. Dorsey
HEARING SCHEDULED: THURSDAY, OCTOBER 6, 1988 at 11:30 p.m.

Special Hearing Amendments to the site plan, Exhibit 9 in Case #88-442-A, to provide for a day care center - over 120 children and to convert first floor of existing dwelling/office for day care center with second floor remaining as dwelling.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES

Zoning Commissioner of

Baltimore County

cc: Gloria L. Dorsey

William E. Hammond, Esq.

File

SEPTEMBER 20, 1988

BALTIMORE COUNTY ZONING OFFICE
TOWSON, MARYLAND 21204

DEAR SIR:

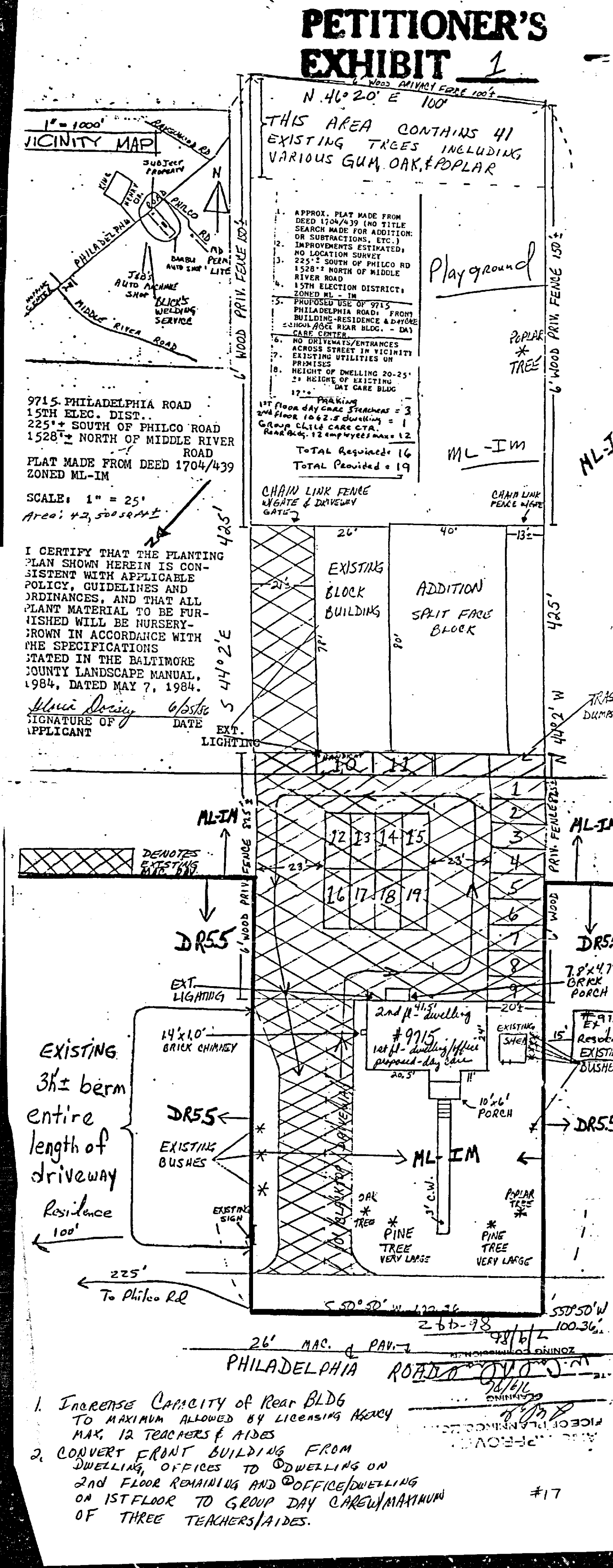
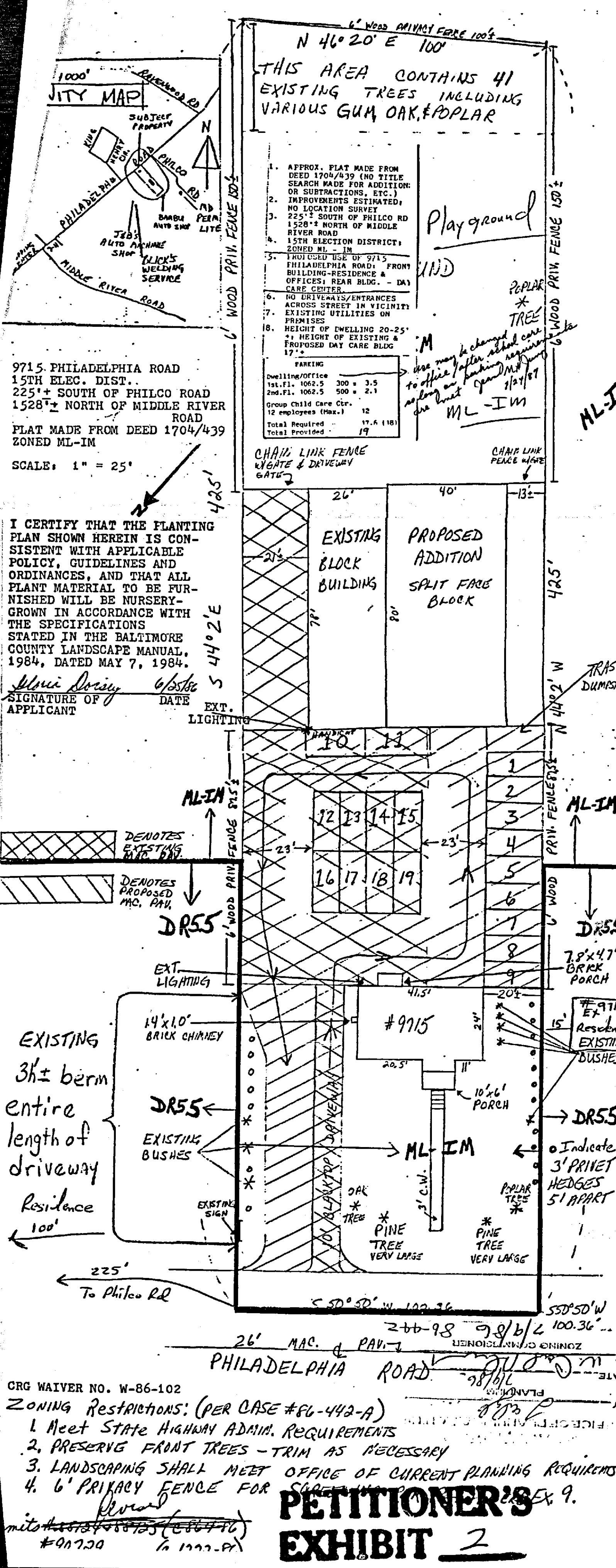
WE ARE WRITING IN REFERENCE TO 9715 PHILADELPHIA ROAD, WHICH IS SCHEDULED FOR A HEARING ON OCTOBER 6, 1988. WE WOULD LIKE TO LET YOU KNOW THAT WE ARE IN FAVOR OF MS. DORSEY'S ENDEAVORS. THE DAY CARE CENTER WHICH SHE OPERATES AT THIS ADDRESS IS OF THE HIGHEST QUALITY. THE CHILDREN ARE VERY HAPPY AND WELL TAKEN CARE OF. THE PROPERTY AND GROUNDS ARE MAINTAINED IN EXCELLENT CONDITION AT ALL TIMES. IT IS AN ASSET TO OUR COMMUNITY, ESPECIALLY WHEN QUALITY DAY CARE IS SO DESPERATELY NEEDED. WE HAVE NO OBJECTIONS TO HER EXPANDING HER OPERATION INTO THE FRONT BUILDING. IT IS OUR UNDERSTANDING THAT SHE WILL BE ADDING APPROXIMATELY THIRTY (30) MORE CHILDREN ON THE FIRST FLOOR OF THE HOUSE, WHICH WILL CONSIST OF SCHOOL AGE CHILDREN.

WE HOPE THAT YOU GRANT MS. DORSEY PERMISSION TO EXPAND. WE ARE IN FAVOR OF HER OPERATION AND EXPANSION.

THANK YOU,

Fred C. Marschke

PETITIONER'S
EXHIBIT 4





**Maryland Department of Transportation
State Highway Administration**

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

August 15, 1988

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Baltimore County
Gloria L. Dorsey Property
Zoning Meeting of 8-2-88
S/S Philadelphia Road
MD 7, 225' S/W of
Philco Road
(Item #17)

Attn: Mr. James Dyer

Dear Mr. Haines:

After reviewing the submittal for a special hearing to provide a day car center for over 120 children, we find the plan acceptable with all entrance improvements having been made.

If you have any questions, please contact Larry Brocato of this office.

Very truly yours,

Creston J. Mills, Jr.
Creston J. Mills, Jr., Chief
Bureau of Engineering
Access Permits

LB:maw

cc: Mr. J. Ogle

RECEIVED
AUG 18 1988
ZONING OFFICE

My telephone number is (301) 333-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

September 28, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

o o o

MEMBERS

Bureau of
Engineering
Department of
Traffic Engineering
State Roads Commission
Bureau of
Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial
Development

William E. Hammond, Esquire
107 Main Street
Reisterstown, Maryland 21136

RE: Item No. 17 - Case No. 89-115-SPH
Petitioner: Gloria L. Dorsey
Petition for Special Hearing

Dear Mr. Hammond:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosure filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:dt

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

October 24, 1988



Dennis F. Rasmussen
County Executive

William E. Hammond, Esquire
107 Main Street
Reisterstown, Maryland 21136

RE: Petition for Special Hearing
Case No. 89-115 SPH

Dear Mr. Hammond:

Enclosed please find the decision rendered on the above captioned case. The Petition for Special Hearing has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 494-3391.

Very truly yours,

J. Robert Haines
J. Robert Haines
Zoning Commissioner

JRH:mmn
att.

cc: Peoples Counsel
Ms. Gloria L. Dorsey

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines
TO: Zoning Commissioner

Date: September 28, 1988

Pat Keller, deputy Director
FROM: Office of Planning and Zoning

Gloria L. Dorsey
SUBJECT: Zoning Petition No. 89-115-SPH

The applicant has requested a special hearing to expand an existing day care center to over 120 children. In response to this request, staff provides the following information:

- The site plan submitted for this project needs to be extensively revised and prepared by a professional engineer or architect. The ingress, egress, and parking lot layout are inadequate and will create circulation problems.
- From the site plan and documentation submitted, it is unclear as to what is being proposed and what currently exists. For example, how much of the site is paved, and what is being proposed; is the building in the rear of the lot being expanded; what is the layout of the playground area; how many teachers and pupils are currently using the site and how many are proposed?
- Buffers, landscaping, fencing and lighting need to be provided and documented on the site plan. The proposed use is located between two existing residences. Impacts of this site on adjoining residences can be eliminated through adequate site design and buffering.

Staff is supportive of the applicant's request, however, the site plan and layout cannot be approved at this time. A detailed, organized plan clearly outlining what is being proposed needs to be completed before staff can support this project.

PK/sf

RECEIVED
SEP 29 1988

ZONING OFFICE

cc: William E. Hammond, Esq.
10/3/88

OCT. 03 1988